

Consumer Advice: Actions to take if your Tradesperson is no longer trading



If you have a problem with a non-compliant installation carried out by a former NAPIT Scheme Member who is no longer in business, there may be some protection still in place, but only in certain circumstances. The following checklist will assist in determining what, if anything, can be done.

1. NAPIT should have carried out background checks to investigate the trading status against Companies House and other records available to NAPIT. We will share the findings with you.
2. If the work was done by a sole trader or partnership, they remain liable even if they have ceased trading. You should continue to negotiate with the owner or partner and could consider suing for compensation if your negotiations fail. If you no longer have contact details for them, the Citizens Advice consumer helpline may be able to help. You can phone them on 03454 04 05 06. Before you take court action, you will need to find out whether the trader is able to pay. If the trader has gone personally bankrupt, there would be no point in pursuing them through the courts. You can check if someone is bankrupt by going to www.bis.gov.uk/insolvency and clicking on the Individual Insolvency Register. The NAPIT Work Quality Guarantee will apply if the sole trader or partnership is bankrupt, or if the owner (or all partners) are older than the state pension age. See www.citizensadvice.org.uk for further guidance on this situation.
3. If your work was done under MCS the installer will have been a member of a Consumer Code Scheme (RECC, HIES or GGF) details of which should have been provided in your handover pack. You should also check with those schemes to see if they have information that could indicate if they are still trading. Note that on some occasions another company could have taken over responsibility for the work of an installer and have agreed to honour any liabilities from the previous company. In such circumstances the new company could be certificated with NAPIT or one of the other MCS Certification Bodies. It is worth checking with the Consumer Code provider as well as NAPIT to see if this is the case. If there is a company with liability for your installation you should raise your complaint directly with them first and then if it is not being resolved, inform NAPIT and get further advice.
4. If your work was done under MCS and the installer has gone out of business, there should have been an Insurance Backed Warranty taken out by the installer to cover your installation in this event for a period of time. This should have been in your handover pack and if it is you should follow the claims instructions included. Recent MCS Certificates have recorded the warranty cover on the certificate, if you don't have the certificate ask NAPIT to obtain a copy for you. If you have still not been able to track down the warranty, contact the Consumer Code provider involved (RECC, HIES or GGF) and ask them if they have a record of warranty cover taken out. If you do not know which Consumer Code was involved NAPIT should be able to find out for you.
5. If your work was a renewable energy installation not carried out under MCS there should still have been an insurance backed warranty product provided and the steps in 4 above could still be taken apart from checking the MCS certificate.
6. If your work was an energy efficiency improvement carried out under a Green Deal Plan you should have a contract with a Green Deal Provider and it is they, rather than the installer, who should handle your complaint even where the installer is no longer in business.

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7. If your work was funded by an Energy Supplier under the Energy Company Obligation (ECO) you should have an arrangement with the supplier themselves, and they should handle your complaint even where the installer is no longer in business.
8. If you paid for energy efficiency improvements yourself it may be the case that the work was covered by a Guarantee Scheme (such as CIGA for cavity wall insulation or SWIGA for solid wall insulation). There are many of these and that specific to your installation should have been issued to you when the work was completed.
9. If the work was notifiable under the Building Regulations in England or Wales you should have a Building Regulations Compliance Certificate. If the work was not renewable energy (see 3-5 above) or energy efficiency improvements (see 6-8 above), the NAPIT Work Quality Guarantee applies where a NAPIT Scheme Member is no longer in business and no longer remains liable as a former sole trader or partnership (see 2 above) and the completion date is within the last 6 years. The guarantee is limited to compliance with the Building Regulations and subject to terms and conditions. Contact NAPIT to make a claim and we will provide you with further details.